

EXHIBIT BD

U.S. DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DONQUARION LEWIS; KE'AUJANAA

SHEPHERD-FRIDAY; and K.B.,

by and through her parent

and next friend, H.B.,

Plaintiffs,

vs.

MICHIGAN DEPARTMENT OF

EDUCATION, a governmental

agency,

Defendant.

Case No. 1:22-cv-00838-RJJ-PJG

Hon. Robert J. Jonker

Mag. Phillip J. Green

The Deposition of JESSICA S. BRADY,

Taken at 525 West Ottawa Street,

Lansing, Michigan,

Commencing at 10:15 a.m.,

Tuesday, July 16, 2024,

Before Peggy S. Savage, CSR-4189, RPR.

Jessica S. Brady
July 16, 2024

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1 Lansing, Michigan

2 Tuesday, July 16, 2024

3 10:15 a.m.

4
5 JESSICA S. BRADY,
6 was thereupon called as a witness herein, and after
7 having first been duly sworn to testify to the truth,
8 the whole truth and nothing but the truth, was
9 examined and testified as follows:

10 EXAMINATION

11 BY MR. SICKON:

12 Q. Okay. Ms. Brady, my name is Mitch Sickon, and I'll be
13 taking your deposition today.

14 Have you ever been deposed before?

15 A. Yes.

16 Q. How many times have you been deposed?

17 A. I believe two.

18 Q. Okay. Could you -- what case was the first one?

19 A. I believe it was Flint.

20 Q. Could you tell us a little bit about that case?

21 A. It had to do with providing students with special
22 education services during the Flint water crisis.

23 Q. Okay. And was that a case where you were deposed in
24 your professional capacity?

25 A. Yes.

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1 Q. Okay. So administration covers all of the other units
2 as well?

3 A. It would be leadership.

4 Q. Gotcha. And then there's also two smaller groups:
5 Michigan School for the Deaf and the Low Incidence
6 Outreach, right?

7 A. Correct.

8 Q. Okay. The chart shows that you supervise the
9 performance reporting unit, and that unit has several
10 groups of other employees. Do you supervise all of
11 those other employees?

12 A. Yes.

13 Q. I'm going to review those employee types listed. I
14 just want you to confirm if that group still works
15 under your supervision.

16 First, we have the monitoring and technical
17 assistance folks, right?

18 A. Yes.

19 Q. And that's the biggest group?

20 A. Yes.

21 Q. I understand that Chantel Mozden has moved from that
22 group to take the supervisor role at program
23 accountability; is that right?

24 A. Yes.

25 Q. Do the remaining names look right?

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1 contractors?

2 A. I believe four.

3 Q. Could you provide their names?

4 A. Yes.

5 Q. Will you do so, please?

6 A. Kelley Kendrick Miller. Lynn Delpy. Katie -- now I
7 can't remember her last name. And Christy McKee.

8 Q. Okay. And Katie's last name, if it comes to you out
9 of the blue sometime later on, you can fill that in
10 later.

11 Second, the next biggest group in this
12 organizational chart is the planning reporting folks
13 in performance reporting; is that right?

14 A. Yes.

15 Q. And that group seems to be Julie Trevino, Amy Hurth,
16 and Marci VanHorn; is that right, according to this
17 chart?

18 A. According to the chart, yes.

19 Q. Is that accurate currently?

20 A. No.

21 Q. What's different about that group now?

22 A. Marci VanHorn is not with us anymore.

23 Q. Okay. Has anyone taken her place?

24 A. It is posted.

25 Q. So you're still seeking someone for that position?

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1 A. Yes.

2 Q. Okay. But Julie and Amy still work in that -- in
3 those positions?

4 A. Correct.

5 Q. Okay. All right. Are there any contractors that help
6 with supporting the planning and reporting group?

7 A. Yes.

8 Q. Who are those?

9 A. Amanda Way.

10 Q. Okay. Is she also considered a statewide monitor?

11 A. No.

12 Q. What's her title?

13 A. SPP consultant.

14 Q. Great. Is she full-time?

15 A. Yes.

16 Q. Are the other statewide monitors also full-time?

17 A. Yes.

18 Q. There's three other smaller groups that you manage:
19 information management, data quality, and secretary,
20 right?

21 A. Yes.

22 Q. Okay. Is the secretary still Deborah Schultz?

23 A. Yes.

24 Q. Is the data quality person John Robertson?

25 A. Yes.

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1 both on the data quadrant team.

2 So we do a lot together in terms of
3 developing technical assistance and providing that TA
4 to ISDs and member districts so that there's a
5 consistent message going out to the field regarding
6 what are the requirements and what is best practice
7 with regards to IDEA and MARSE.

8 Q. You mentioned identifying patterns in ISDs is one area
9 where you work with program accountability as a
10 performance report, right?

11 A. Yes.

12 Q. Could you expand a little bit on how that
13 collaboration works?

14 A. So if program accountability is seeing an increase in
15 state complaints or calls from their information line
16 from -- from a specific ISD and -- they would come and
17 maybe sit and say, "What are you seeing and monitoring
18 with this ISD?" Complaints -- you know, they could
19 get 250 complaints in a year. That's not that many.
20 In a 50 -- 50 -- or 15 are coming from a specific ISD,
21 that's cause for concern to see what else is happening
22 and monitoring, should we go do something else with
23 that ISD. Or if it's from a member district within
24 that ISD, talking and seeing -- with that ISD, going
25 in and doing something to see what's occurring.

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1 Q. And so you can -- after those collaborations, identify
2 certain districts are ISDs that you might monitor in a
3 targeted fashion?

4 A. Correct. Or do something.

5 Q. Reach out, provide technical assistance?

6 A. Correct. Or monitor with a little m, right.

7 Q. We're getting close on time, but I just want to try
8 and explore this little m/big M.

9 What is monitor with a little m?

10 A. So it does not have to necessarily be where you're
11 going in and doing a monitoring, where you're going
12 and doing a full-on monitoring visit. It's more let's
13 see where issues are happening, do we need to go and
14 conduct -- what are you doing, ISD, for your general
15 supervision to ensure things are occurring at the
16 member district. Now, there is an obligation if the
17 Office of Special Education finds noncompliance; we
18 cite it.

19 Q. Okay. But would that monitoring be more informal,
20 just kind of having a phone call with the ISD, kind of
21 talking through concerns?

22 A. We're looking at files also.

23 Q. Okay. But --

24 A. And determining how much more we have to do. Do we
25 have to go for procedure review, interviews,

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1 my fault.

2 MS. HENDLEY: 79?

3 MR. SICKON: Exhibit 79.

4 MS. HENDLEY: Page?

5 MR. SICKON: Page 16.

6 MS. HENDLEY: Okay.

7 BY MR. SICKON:

8 Q. On page 21, it starts at a section called Integrated
9 Monitoring Activities, right, Ms. Brady?

10 A. Yes.

11 Q. That section starts with a definition of monitoring;
12 that MDE OSE defines monitoring as a proactive,
13 preventive, and correct approach to improving
14 educational results and functional outcomes for
15 children and youth with IEPs and compliance with
16 requirements of the IDEA and MARSE using financial
17 programmatic data and data from other activities to
18 identify the performance and progress of ISDs on
19 elements and indicators of results and compliance
20 through an ongoing and systematic process. Monitoring
21 encourages and supports improvement and enforces
22 compliance combined with technical assistance,
23 professional learning and development, and a continuum
24 of incentives and sanctions.

25 Did I get all that right?

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1 A. Correct.

2 Q. We had talked before the last break about big M
3 monitoring and little m monitoring. Is this big M
4 monitoring, or does this feel just like everything,
5 general supervision, the whole --

6 A. This is --

7 Q. -- deal?

8 A. This is monitoring as in little m monitoring as the
9 general sense of monitoring.

10 Q. Okay. And the resource that you referred me to that
11 had a definition for big M monitoring, can you remind
12 me what that was?

13 A. State Performance Plan Monitoring Manual.

14 Q. Is that issued by OSEP?

15 A. No.

16 Q. Who issues that?

17 A. OSE.

18 Q. Okay. Is that a publicly available document?

19 A. Yes.

20 MARKED FOR IDENTIFICATION

21 DEPOSITION EXHIBIT 67

22 2:47 p.m.

23 BY MR. SICKON:

24 Q. Okay. I'd like to go to Exhibit 67. And this is OSEP
25 document QA 23-01, State General Supervision

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1 Q. Do you know if any other MDE folks, outside of OSE,
2 went on that on-site visit?

3 A. I don't know.

4 Q. Okay. This email does mention that the program -- I'm
5 sorry, the performance reporting unit had just
6 conducted an on-site in Grand Rapids, right?

7 A. Yes.

8 Q. And it was for the same issue; is that right?

9 A. That is what it states.

10 Q. Okay. Do you recall there being an on-site visit --
11 on-site visit that performance reporting conducted in
12 Grand Rapids around this time?

13 A. No. I don't recall. We do a lot of on-sites.

14 Q. Okay. How frequently are the on-sites concerning
15 Child Find?

16 A. I don't know how frequently concerning Child Find
17 specifically, but the performance reporting unit
18 conducts hundreds of monitoring visits a year.

19 Q. Okay. How many of those are you personally involved
20 with?

21 A. I do not go specifically on the on-sites typically
22 myself. I have staff go.

23 Q. Okay. What are the standards for making the decision
24 to have performance reporting unit employees go on an
25 on-site visit?

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CERTIFICATE OF NOTARY

STATE OF MICHIGAN)

) SS

COUNTY OF OTTAWA)

I, PEGGY S. SAVAGE, certify that this deposition was taken before me on the date hereinbefore set forth; that the foregoing questions and answers were recorded by me stenographically and reduced to computer transcription; that this is a true, full and correct transcript of my stenographic notes so taken; and that I am not related to, nor of counsel to, either party nor interested in the event of this cause.

PEGGY S. SAVAGE, CSR-4189, RPR

Notary Public,

Ottawa County, Michigan.

My Commission expires: 7-13-25